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Department of Defense

August 21, 1997

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Before the

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

In the Matter of)
)
Amendment of the Commission's)
Regulatory Policies to Allow) IB Docket No. 96-111
Non-U.S.-Licensed Space Stations to)
Provide Domestic and International)
Satellite Service In the United)
States)
)
and)
)
Amendment of Section 25.131 of the)
Commission's Rules and Regulations) CC Docket No. 93-23
To Eliminate the Licensing) RM 7931
Requirement For Certain International)
Receive-Only Earth Stations)
)
and)
)
COMMUNICATIONS SATELLITE CORPORATION)
Request for Waiver of Section)
25131(j)(1) of the Commission's) File No. ISP-92-007
Rules As It Applies to Services)
Provided via the INTELSAT K Satellite)

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The Secretary of Defense, for the Department of Defense and as Executive Agent of the National Communications System¹, through duly authorized counsel, pursuant to Section 201 of the Federal Property and Administrative Services Act of 1949, 40 U.S.C. Section 481, and the Memorandum of Understanding between the Department of Defense and the General Services Administration dated November 27, 1950, hereby files these Comments in response to the above-captioned notice.

The Commission has proposed a new framework to allow satellites licensed by other countries to provide services in the United States in a manner consistent with the World Trade Organization's (WTO) Basic Agreement on Telecommunications. The Commission proposes to streamline

¹Executive Order 12472, Assignment of National Security and Emergency Preparedness Telecommunications Functions, April 3, 1984, (49 Fed. Reg. 13471, 1984), established the National Communications System (NCS), which consists of an administrative structure involving the Executive Agent, Committee of Principals, Manager, and the telecommunications assets of the Federal organizations which are represented on the Committee of Principals. Section 1(e) of Executive Order 12472 designates the Secretary of Defense as Executive Agent of the NCS. By direction of the Executive Office of the President, the NCS member organizations (which are represented on the Committee of Principals) are: Department of Agriculture, Central Intelligence Agency, Department of Commerce, Department of Defense, Department of Energy, Federal Emergency Management Agency, General Services Administration, Department of Justice, National Aeronautics and Space Administration, the Joint Staff, Department of State, Department of Transportation, Department of Treasury, U.S. Information Agency, the Department of Veterans Affairs, Department of Health and Human Services, Department of the Interior, National Security Agency, the National Telecommunications and Information Administration and the Nuclear Regulatory Commission. The Federal Communications Commission, the United States Postal Service and the Federal Reserve Board also participate in the activities of the NCS. The vast majority of the telecommunications assets of these 23 organizations are leased from commercial communications carriers and serve the National Security and Emergency Preparedness (NS/EP) needs of the Federal government as well as State and local governments.

its review with regard to satellite systems from WTO member countries by eliminating the "ECO-Sat" test when the Commission receives license applications from systems in WTO member countries. The ECO-SAT test looked at whether U.S. Satellite Operators had "effective competitive opportunities" in the satellite service market of the licensing or coordinating administration of the applicant. The commission proposes not apply the ECO-Sat analysis when evaluating applications from systems in WTO member countries. However, the Commission states it will continue to condition or deny authorization to provide satellite services based on other public interest factors.

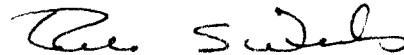
DOD strongly supports the Commission's proposal to continue to consider public interest concerns such as national security and issues of spectrum availability and coordination (Section II, Paragraph A.6., page 6.). We also support the Commission's proposal to continue to seek guidance from the Executive Branch on such matters.

We are pleased that the Commission has acknowledged in its Notice at page 16, that the WTO Basic Telecommunications Agreement does not affect other important public interest

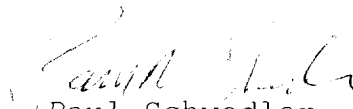
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considerations such as national security, law enforcement and spectrum availability and coordination. While membership in the World Trade Organization may play an important role in the concerns that gave rise to the ECO-SAT test, it does not play the same role in national security evaluations or in the evaluation of the other public interests cited in the Notice.

Respectfully submitted,



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